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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,963	03/12/2004	Mo-Han Fong	ERC.0008US (16634RRUS02U)	9041

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EXAMINER	
GONZALEZ, AMANCIO	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,963	FONG ET AL.	
	Examiner	Art Unit	
	AMANCIO GONZALEZ	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10,12,13,15 and 17-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8, 10, 12, 13, 15, and 17-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments traversing the rejection set forth in Office Action mailed on 03/02/2010 have been fully considered and found persuasive.

Therefore, in view of the Pre-Brief Conference Request filed on 06/01/2010, PROSECUTION IS HEREBY REOPENED. New ground of rejection applied as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 10, 12, 20-24, 26** are rejected under 35 U.S.C. 102(e) as being anticipated by Hosein (US 20050107090 A1), hereafter "Hosein."

Consider **claim 1**. Hosein discloses:

A method for use in a wireless communications network **(see fig. 1 and [0006])**, comprising:

communicating data to plural mobile stations over a wireless link **(see fig. 1, [0006])**; and

sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link **(see Abstract, fig. 1, [0008], [0028], and [0029]. Hosein discusses wherein radio base station (RBS) 36 broadcast common rate control commands, BS 30 transmitting rate control commands responsive to estimated base station loading to cause mobile stations 12 to increase, decrease, or hold their current reverse link data rates)**, wherein the broadcast message further includes a particular data rate

that is to be used by the plural mobile stations over the reverse wireless link **(see fig. 1, [0026], where Hosein discusses wherein each mobile station 12 transmits data as needed at a defined data rate)**.

Consider **claim 10**. Hosein discloses:

A method for use in a wireless communications network **(see fig. 1 and [0006])**, comprising:

communicating data to plural mobile stations over a wireless link **(see fig. 1, [0006])**; and sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link **(see Abstract, fig. 1, [0008], [0028], and [0029]. Hosein discusses wherein radio base station (RBS) 36 broadcast common rate control commands, BS 30 transmitting rate control commands responsive to estimated base station loading to cause mobile stations 12 to increase, decrease, or hold their current reverse link data rates)**, wherein sending the broadcast message to the plural mobile stations comprises sending the broadcast message to cause the plural mobile stations to set respective data rates to a value less than or equal to an autonomous data rate of each of the corresponding mobile stations, wherein the autonomous data rate is useable by the corresponding mobile station operating in autonomous mode in which the corresponding mobile station is able to transmit data over the reverse wireless link without being scheduled **(see [0006]. Hosein discusses wherein a plurality of mobile**

stations are permitted to transmit on the reverse link at no higher than some minimum or "autonomous" data rate).

Consider **claim 12**. Hosein teaches claim 1 and further suggests wherein sending the broadcast message to the plural mobile stations comprises sending the broadcast message containing the indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions of packet data over respective reverse packet data channels (see [0008] and [0013]).

Claims 20 and 21 claim the mobile station to perform the methods of claims 1 and 10; therefore, the same rejection rationale applies.

Consider **claim 22**. Hosein teaches claim 21 and further suggests wherein the interface is adapted to receive another message from the base station that sets the autonomous data rate (see [0006], [0008], [0011] and [0030]).

Consider **claim 23**. Hosein teaches claim 20 and further discloses changing the data rate of transmission over a reverse packet data channel (see [0008] and [0013]).

Consider **claim 24**. Hosein teaches claim 23 and further suggests wherein the reverse packet data channel is a code-division multiple access (CDMA) 2000 reverse packet data channel (R- PDCH) (see [0003] and [0013]).

Claim 26 claims a base station to perform the method of claim 1; therefore, the same rejection rationale applies.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 2-4, 7, 8, 13, 15, and 17-19, 25, and 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosein (US 20050107090 A1), hereafter "Hosein," in view of Toskala et al. (US 6782269 B2), hereafter "Toskala."

Consider **claim 2.** Hosein teaches claim 1, but is silent regarding wherein sending the broadcast message comprises sending a grant message on a channel that is monitored by the plural mobile stations. Toskala, in analogous art, discloses the

aforesaid limitation (see Abstract, col. 2 lines 23-36). It would therefore have been obvious, at the time of invention, to combine Hosein with Toskala for the purpose of providing uplink enhancements in the air interface between a terminal and a base station in a wireless communications network, as discussed by Toskala **(see col. 1 lines 9-13)**.

Consider **claim 3.** Hosein as modified by Toskala teaches claim 2; Toskala further discloses sending the grant message (see Toskala: col. 1 lines 9-13); and Hosein further discloses a code division multiple access (CDMA) 2000 network (see Hosein: fig. 1, [0013] and [0026]).

Consider **claim 4.** Hosein as modified by Toskala teaches claim 2; Toskala further discloses sending a grant message (see Toskala: col. 1 lines 9-13); and Hosein further suggests uniquely identifying one of the plural mobile stations, and the identifier settable to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over the reverse wireless link (see Hosein: [0008], where Hosein discusses that in adjusting membership in the rate-controlled set, the base station sends assignment messages to *one* or more currently unassigned mobile stations to add members to the set, and sends un-assignment messages to one or more currently assigned mobile stations to subtract members from the set, hence uniquely identifying one of a plurality of mobile stations).

Consider **claim 7.** Hosein as modified by Toskala teaches claim 2; and Toskala further suggests wherein sending the grant message comprises sending a grant

message containing a data rate assignment field and an identifier field, wherein the data rate assignment field contains the particular data rate, and the identifier field contains the indication (see Toskala: col. 1 lines 9-13, col. 4 lines 65-67 through col. 5 lines 1-4).

Consider **claim 8.** Hosein as modified by Toskala teaches claim 7; Hosein further suggests wherein the channel is a shared channel monitored by each of the plural mobile stations (see Hosein: Abstract and [0006], where Hosein discusses serving a plurality of mobile stations on the reverse link, including mobile stations that are members of a first set of mobile stations that are allowed to adjust their reverse link data rates responsive to common rate control commands being broadcast by the network, receiving feedback from each mobile station), and uniquely identify one of the mobile stations such that the one mobile station is able to receive an assigned data rate (see Hosein: [0008], where Hosein discusses that in adjusting membership in the rate-controlled set, the base station sends assignment messages to *one* or more currently unassigned mobile stations to add members to the set, and sends un-assignment messages to one or more currently assigned mobile stations to subtract members from the set, hence uniquely identifying one of a plurality of mobile stations); and Toskala further discloses sending grant message (see Toskala: col. 1 lines 9-13).

Consider **claim 13.** Hosein discloses:

An article **(see [0010] and fig. 1)** comprising at least one storage medium containing instructions that when executed cause a system in a wireless communications network to:

communicate data to plural mobile stations over a wireless link **(see fig. 1, [0006])**.

Hosein further suggests sending a message containing an identifier, the identifier set to a first value to uniquely identify one of the plural mobile stations, and the identifier set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link **(see [0051] and fig. 1, where Hosein discusses sending assignment messages targeted to individual ones of the mobile stations 12)**.

But Hosein is silent regarding sending a grant message to the plural mobile stations.

However, Toskala, in analogous art, suggests the aforesaid limitation **(see col. 2 lines 22-36).**

It would therefore have been obvious, at the time of invention, to combine Hosein with Toskala for the purpose of providing uplink enhancements in the air interface between a terminal and a base station in a wireless communications network, as discussed by Toskala **(see col. 1 lines 9-13)**.

Consider **claim 15.** Hosein as modified by Toskala teaches claim 13; Toskala further discloses sending the grant message (see Toskala: col. 1 lines 9-13); and Hosein further discloses a code division multiple access (CDMA) 2000 network (see Hosein: fig. 1, [0013] and [0026]).

Consider **claim 17.** Hosein as modified by Toskala teaches claim 13; Toskala further discloses sending the grant message (see Toskala: col. 1 lines 9-13); and

Hosein further suggests indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions of packet data over respective reverse channels (see Hosein: [0013]).

Consider **claim 18.** Hosein as modified by Toskala teaches claim 13; Toskala further discloses sending a grant message (see Toskala: col. 1 lines 9-13); and Hosein further suggests assigning a particular data rate to each of the plural mobile stations, the particular data rate relating to transmissions of packet data over respective reverse channels (see Hosein: [0013]).

Consider **claim 19.** Hosein as modified by Toskala teaches claim 13; Toskala further discloses sending a grant message (see Toskala: col. 1 lines 9-13); and Hosein further suggests incrementing or decrementing data rates of the plural mobile stations for transmissions of packet data over respective reverse channels (see Hosein: [0011]).

Consider **claim 25.** Hosein teaches claim 20, but is silent regarding wherein the interface is adapted to receive the broadcast message on a forward grant channel, the forward grant channel being a shared channel for monitoring by plural mobile stations. Toskala, in analogous art, discloses the aforesaid limitation (see Abstract, col. 2 lines 23-36). It would therefore have been obvious, at the time of invention, to combine Hosein with Toskala for the purpose of providing uplink enhancements in the air interface between a terminal and a base station in a wireless communications network, as discussed by Toskala **(see col. 1 lines 9-13)**.

Consider **claim 27.** Hosein teaches claim 26, but is silent regarding wherein the broadcast message is a grant message on a channel that is monitored by the plural

mobile stations. Toskala, in analogous art, discloses the aforesaid limitation (see Abstract, col. 2 lines 23-36). It would therefore have been obvious, at the time of invention, to combine Hosein with Toskala for the purpose of providing uplink enhancements in the air interface between a terminal and a base station in a wireless communications network, as discussed by Toskala **(see col. 1 lines 9-13)**.

Consider **claim 28.** Hosein as modified by Toskala teaches claim 27; Toskala further discloses sending a grant message (see Toskala: col. 1 lines 9-13); and Hosein further suggests uniquely identifying one of the plural mobile stations, and the identifier settable to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over the reverse wireless link (see Hosein: [0008], where Hosein discusses that in adjusting membership in the rate-controlled set, the base station sends assignment messages to *one* or more currently unassigned mobile stations to add members to the set, and sends un-assignment messages to one or more currently assigned mobile stations to subtract members from the set, hence uniquely identifying one of a plurality of mobile stations).

Consider **claim 29.** Hosein as modified by Toskala teaches claim 26; and Toskala further suggests wherein sending the grant message comprises sending a grant message containing a data rate assignment field and an identifier field, wherein the data rate assignment field contains the particular data rate, and the identifier field contains the indication (see Toskala: col. 1 lines 9-13, col. 4 lines 65-67 through col. 5 lines 1-4).

7. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosein (US 20050107090 A1), hereafter "Hosein," in view of Toskala et al. (US 6782269 B2), hereafter "Toskala," as applied to claim 4, further in view of Chen et al. (US 7155236 B2), hereafter "Chen."

Consider **claim 5**. Hosein as modified by Toskala teaches claim 4. Toskala further discloses sending a grant message (see Toskala: col. 1 lines 9-13); and Hosein further suggests setting a value to target a first one of the plural mobile stations as well as a value to provide the broadcast indication to the plural mobile stations (see Hosein: [0008], where Hosein discusses that in adjusting membership in the rate-controlled set, the base station sends assignment messages to *one* or more currently unassigned mobile stations to add members to the set, and sends un-assignment messages to one or more currently assigned mobile stations to subtract members from the set, hence suggesting setting a value to target a first one of the plural mobile stations and a value to provide the broadcast indication to the plural mobile stations); but Hosein and Toskala are silent regarding wherein the identifier comprises a medium access control (MAC) identifier (MAC ID), or setting the MAC ID of the grant message to particular values. However, Chen, in analogous art, suggests the aforesaid limitation (see col. 28 lines 3-12, where Chen discusses sending grants to a plurality of mobile stations involving different MAC ID values, wherein particular individual mobile stations receive specific grants and others receive a common grant).

It would therefore have been obvious, at the time of invention, to combine Hosein, as modified by Toskala, with Chen for the purpose of improving scheduled and

autonomous transmission in wireless communication, as discussed by Chen **(see col. 1 lines 17-20)**.

Consider **claim 6.** Hosein, as modified by Toskala and Chen, teaches claim 5; and Chen further suggests wherein setting the MAC ID to the predetermined value comprises setting the MAC ID to a binary value 00000000 (see col. 20 lines 22-42, where Chen discusses setting a long-grant bit to zero, where an individual grant comprises 12, hence including the value 00000000).

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dwayne Bost, can be reached at (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617

AG/ag

October 29, 2010